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**Attention: EXAMINER Katherine A. Bareford**  
**Phone: (703) 308-0078**

GROUP 1762 PERSONNEL: THE DOCUMENT TO FOLLOW IS A

## RESPONSE AFTER FINAL

including:

- ☒ Response under 37 CFR §1.116
- ☐ Notice of Appeal
- ☐ Appeal Brief under 37 CFR §1.192 (filed in triplicate)
- ☐ Reply Brief under 37 CFR §1.193(b)(1) (filed in triplicate)
- ☐ Continued Prosecution Application (CPA) Request Transmittal
- ☐ Other: Declaration under Rule 131

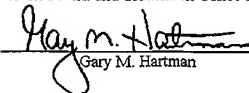
for filing in U.S. Patent Application Serial No. 10/063,967

## SPECIAL STATUS

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Gary M. Hartman

January 12, 2004  
Date

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. :	10/063,967	Confirmation No. <b>4049</b>
Applicant :	Y. C. Lau et al.	
Filed:	May 30, 2002	
TC/Art Unit:	1762	
Examiner :	Katherine A. Bareford	
Docket No. :	17MY-7127	
Customer No. :	27127	

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**RESPONSE UNDER 37 CFR §1.116**

In the Office Action dated October 10, 2003 (Paper No. 5), the Examiner reviewed claims 1-25 of the above-identified US Patent Application, with the result that all of the claims were rejected for a second time under 35 USC §103. In particular:

- (A) claims 1-25 were rejected under 35 USC §103(a) as being unpatentable over EP 1 142 850 A1 to Wang et al. (the EP reference) in view of U.S. Patent No. 6,180,184 to Gray et al. (Gray); and
- (B) claims 1-25 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,444,335 to Wang et al. (Wang) in view of Gray.

As noted in Applicants' previous response filed September 8, 2003, the EP

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reference claims priority to U.S. Patent Application Serial No. 09/543,956, which issued as the Wang patent.

Applicants respectfully request reconsideration of these rejections in view of the following comments.

#### **Prior Art Rejections**

In response to the rejection based on the EP reference as primary reference, Applicants submit herewith a Rule 131 Declaration, by which Applicants swear behind the EP reference, whose reference date is October 10, 2001, and therefore less than one year prior to Applicants' filing date of May 30, 2002. In the Rule 131 Declaration, the inventors attest that the subject matter claimed in Applicants' rejected claims was actually reduced to practice in the U.S. before the reference date of the EP reference.

In response to the rejection based on Wang as primary reference, the undersigned hereby affirms that, at the time Applicants' invention was made, the inventors identified in the present application and in Wang were employed by the General Electric Company and contractually bound by their employment agreement to assign their patent applications to the General Electric Company, as evidenced by the recorded Assignments to General Electric Company for both patent applications. The assignment for the present U.S. Patent Application Serial No. 10/063,967 was recorded on May 30, 2002, at Reel No. 013451 and Frame 0302.

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In view of the above, Applicants respectfully request withdrawal of the rejections of claims 1-25 under 35 USC § 103(a).

**Objection to the Claims**

The Office Action has a paragraph entitled "Claim Objections," in which the Examiner acknowledged Applicants' claim amendments in accordance with the Examiner's suggestion to use "yttria-stabilized zirconia" for "YSZ" and "barium-strontium-aluminosilicate" for "BSAS" where these materials are first introduced in the claims, and indicate their abbreviations ("YSZ" and "BSAS") for subsequent use in the claims. However, this paragraph did not state any basis for an objection to the claims. Therefore, Applicants respectfully request clarification as to whether the claims are subject to an objection.

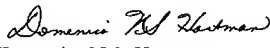
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**Closing**

In view of the above, Applicants respectfully request that their patent application be given favorable reconsideration.

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,

By   
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January 12, 2004  
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Attachment: Declaration under 37 CFR 1.131